

**FILED***United States District Court*

FEB 21 2008

NORTHERN DISTRICT OF CALIFORNIA

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

TIMOTHY CRAIG

AL COMPLAINT

CASE NUMBER:

0870096

MEJ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about a date no earlier than March 1, 2007 and ending on a date no later than August 8, 2007 in Napa County, in the Northern District of California the defendant,

**OFFENSES:** TIMOTHY CRAIG, did knowingly distribute in interstate commerce by computer a visual depiction of a minor engaging in sexually explicit conduct and, on or about August 8, 2007, did knowingly possess a matter containing a visual depiction that had been transported in interstate commerce of a minor engaging in sexually explicit conduct

in violation of Title 18 United States Code, Sections 2252(a)(2) and 2252(a)(4).

I further state that I am a Detective with the Napa County Sheriff's Department and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

**PENALTIES:** 18 U.S.C. sec. 2252(a)(2): Imprisonment for not less than 5 years and not more than 20 years, a fine of not more than \$250,000.00, a \$100.00 special assessment, and 3 years supervised release; 18 U.S.C. sec. 2252(a)(4): Imprisonment for not less than 10 years and not more than 20 years, a fine of not more than a fine of not more than \$250,000, and a \$100.00 special assessment.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☒ Yes ☐ No

Bail Amount: **NO BAIL**

Signature of Complainant

Sworn to before me and subscribed in my presence,

2-21-08

at

San Francisco, California

Date

City and State

**Honorable Maria-Elena James****United States Magistrate Judge**

Name &amp; Title of Judicial Officer

Signature of Judicial Officer

**ss. AFFIDAVIT**

I, Joseph J. Jones, Detective, Napa County Sheriff's Department, first being duly sworn, do depose and state:

## **I. AGENT BACKGROUND AND PURPOSE OF AFFIDAVIT**

1. I, Detective Joseph Jones, have been a full-time law enforcement officer for the Napa County Sheriff's Department for the past eight years. I have ten years of experience in law enforcement.

I have investigated numerous cases involving violent crimes, financial crimes, thefts, burglaries, computer-related crimes, and child pornography crimes. On May 12, 1995, I graduated from the Butte College Basic Law Enforcement Academy. I also obtained a basic and intermediate P.O.S.T. Certificate. I hold an Associate of Science Degree in Administration of Justice from Napa Valley College.

a. Additionally, I have received training in electronic crimes from the California Department of Justice and the Northern California Computer Crimes Task Force, including High Technology Computer Crime Investigation, and the investigation of Internet crimes. In November of 2000, I received 8 hours of training from the Search Foundation in the Introduction to Internet Crime Investigations. In December of 2003, I received 36 hours of instruction in High Technology and Computer Crime Investigations, from The California Department of Justice. In October of 2004, I received 80 hours of instruction from The California Department of Justice in Computer Digital Evidence Recovery. In February of 2005, I received 80 hours of instruction from the California Department of Justice in Computer Forensics. In August 2005, I received 84 hours of training from the California State University, Sacramento and the Institute of Criminal Investigations. I have conducted and assisted with numerous child pornography investigations and seized digital media devices containing child pornography. I have reviewed images containing child pornography in a variety of formats (such as digital still images and video images) and media (such as floppy diskettes, videotapes, magazines, and printed images).

b. As a Detective of the Napa County Sheriff's Department, I am authorized to investigate violations of laws in the State of California and of the United States, and I am a law enforcement officer with authority to execute arrest and search warrants under the authority of the State of California.

2. This affidavit is made in support of a complaint against Timothy CRAIG for knowingly having distributed in interstate commerce by computer a visual depiction of a minor engaging in sexually explicit conduct, in violation of Title 18, U.S.C., Section 2252(a)(2), on a date no earlier than March 1, 2007 and ending on a date no later than August 8, 2007. The elements of this crime are (1) that the defendant knowingly distributed a visual depiction in interstate commerce by a computer; (2) that the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct; (3) that such visual depiction was of a minor engaged in sexually explicit conduct; (4) that the defendant knew that such visual depiction was of sexually explicit conduct; and (5) that the defendant knew that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor. This affidavit is also made in support of a complaint against Timothy CRAIG, for knowingly having possessed on or about August 8, 2007 a matter containing a visual depiction that had been transported in interstate commerce of a minor engaging in sexually explicit conduct, in violation of Title 18, U.S.C., Section 2252(a)(4)(B). The elements of this crime are (1) that the defendant knowingly possessed material containing one or more visual depictions; (2) that the visual depiction had been transported in interstate commerce; (3) that the visual depiction was of a minor engaged in sexually explicit conduct; and (4) that defendant knew that the visual depiction was of a minor engaged in sexually explicit conduct.

3. The facts set forth in this affidavit are known to me as a result of my participation in this investigation, from reports made to me by other law enforcement officers, and from records, documents, and other evidence obtained during this investigation. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant for Timothy CRAIG, I have not included each and every fact known to me concerning this

investigation. I have only set forth the facts I believe are necessary to establish probable cause that a violation of federal law has occurred.

## **II. FACTS ESTABLISHING PROBABLE CAUSE**

4. In July, 2007, I received information from the Department of Homeland Security, Immigration and Customs Enforcement Division (ICE), relating to an ongoing investigation into child pornography. In November 2005, Special Agents with the Cleveland Office of the Department of Homeland Security had received information related to the possession and distribution of child pornography. Agents were lead to believe that Lee Sly of North Royalton, Ohio had received child pornography via email.

5. In January 2007, ICE agents received additional information from the Orland Park, Illinois Police Department. Officers discovered that Richard Darkey was involved in trading child pornography via the internet. Darkey received an image of child pornography from the screen name "SIRIOUT3." SIRIOUT3 was identified as Lee Sly.

6. On March 1, 2007, ICE agents served America Online (AOL) with a federal search warrant for Sly's email account information. An examination of Sly's account revealed 125 individuals engaged in trading child pornography with Sly. The America Online search warrant results indicated that "Limosdude", the screen name for an America Online account, had been sent "message #223" in Sly's email "sent" folder. A subpoena issued to AOL revealed the following subscriber information for "Limosdude":

"Limosdude"- Tim CRAIG, 3271 Beard Road, Napa, California, 94558, (707) 257-1282.

7. On June 13, 2007 ICE Special Agent Vladimir Vergara summonsed records from AOL relating to subscriber information and IP Connection log data for the screen names: Limosdude, TCGiantsfan58, and NorCalTC58. The records request revealed the following subscriber information for these accounts:



"Tim CRAIG," 3271 Beard Road, Napa, California, 94558.

8. I further conducted a records check and discovered that Timothy CRAIG (dob: 09/03/1958), residing at 3271 Beard Road, Napa, California, is a registered sex offender with the California Department of Justice, Megan's Law California Registered Sex Offender database.

9. Court records reveal that, on August 5, 1999, Timothy CRAIG was convicted of an attempted lewd act upon a child, in violation of California Penal Code section 664/288(a) in Los Angeles County, California. On July 23, 2003, Timothy CRAIG pleaded no contest to a charge of possession of child pornography, in violation of California Penal Code section 311.11(a), in Napa County, California.

10. In August of 2007, I prepared and authored a search warrant for 3271 Beard Road, Napa, California, the residence of Timothy CRAIG. On August 7, 2007, Judge John N. Anton of the Napa County Superior Court reviewed the warrant and attachments, and authorized the search of the residence at 3271 Beard Road, Napa, California.

11. On August 8, 2007, I, accompanied by other investigators from the Napa County Sheriff's Department and Special Agents from the Immigrations Customs Enforcement unit based in Oakland, California, executed this search warrant at CRAIG's address. During the subsequent search and seizure, we located numerous items of evidence including, but not limited to, a life-like child size blow-up doll, a Toshiba laptop computer, a printed pornography depiction of characters from the "Jetsons" cartoon, miscellaneous teen related pornography, women's panties and a girls ski hat, a DVD indicating it contained a child rape story, and other miscellaneous forms of digital media including CD's and DVD's. There is no indication that any other individuals were living with CRAIG at the 3271 Beard Road address.

12. Detective Todd Hancock, a Detective with the Napa County Sheriff's Department, conducted a forensic examination of the digital evidence, in compliance with the

search warrant affidavit, that was located during the search warrant execution. I spoke with Detective Hancock in detail relating to his findings, which form the basis of the information set forth in paragraphs 13 through 17.

13. A Toshiba Satellite laptop computer, Model M115 containing an 80 GB SATA HDD, found at 3271 Bear Road, Napa, was examined by Detective Hancock for digital evidence related to this investigation. The computer was last used or operated on August 7, 2007 at 3:53 AM. This computer was used extensively to access the Internet, primarily via America Online (AOL). Within the AOL directory were several unique screen names used by the user to interact with the AOL program as sub-accounts to the primary account. The following AOL names were located: Craigncalif, Limosdude, NorCalTC58 and TCgiantsfan58. (Timothy CRAIG was born in 1958, and he drives a limousine for a living.)

14. The Toshiba computer found at CRAIG's residence contained hundreds of emails received from a large group of subjects focused on the trading of obscene images of children. On July 2, 2007, for example, "NorCalTC58" received an email from "SubCarol2Fems" entitled "List "B": Send some young SPANKINGS/Bondage pics." The writer states, "Hi..I am back nowLet`s ALL send & trade as alwaysNON-SENDERS will be REMOVEDLove you all, Carol." This email contained 3 attached images, one of which is a young, naked girl (approximately 6 years of age) kneeling on a bed with her hands handcuffed behind her back. This image depicts the sadistic abuse of a minor. 18 U.S.C. §2256(2)(A)(iv).

15. AOL, Timothy CRAIG's Internet Service Provider, allows users to create an online photo gallery in which users can upload and store digital images. The purpose of an online photo gallery is to make these pictures available to others to view. Images stored within this AOL photo gallery are assigned unique file names when they are uploaded to the web server. This file name is typically a sequential number preceded by the letters "YGP" (ex: ygp124.tmp). CRAIG's computer contained over 400 digital images of young children containing the "ygp" prefix. One image found in this directory is the same image of the young nude female described in paragraph fourteen of this affidavit. The file is entitled "ygpFAFD.JPG." The "ygp" prefix and the date the image was last accessed indicate that this

image was posted to an AOL photo gallery on July 3, 2007. This image is the same picture that CRAIG received on July 2, 2007 from "SubCarol2Fems." In addition, the victim pictured in this image has been identified by the National Center for Missing and Exploited Children as a known victim of child pornography. The image was created outside of the State of California.

16. The images found during the forensic examination of the computer found in the search warrant of CRAIG's house include the following:

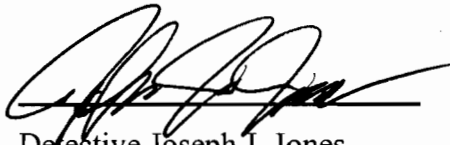
1. "cumalot.jpg": Image of nude young girl (approximately age 12). The girl is masturbating an adult male penis, which is shown ejaculating. An adult male hand is seen apparently penetrating her vagina.
2. "xxx dau 0920070322-14562a.jpg": This is an image of adult male ejaculating into the mouth of young girl (less than age 14).

17. Internet Relay Chat (IRC) enables two (or more) persons to communicate by writing or voice instantly via the Internet. Users will typically use an Internet Service Provider (like AOL) and browse "chat rooms" which are places for persons with common interests to meet. Users can enter into "private chat rooms" where they can write to each other without anyone else seeing the content of their chat. Depending on the client, settings, and user preferences, some of this chat text is captured or logged by the computer system. Detective Hancock was able to locate numerous references to chat room activity indicating the room names visited and saw rooms predominantly focused on pedophilia (i.e.: ygspredlegs, grd8hotties, herliilpantees). Forensic examination retrieved several chat transcripts on CRAIG's computer. In one, a chat between "[girl's name]R0892" and "NorCalTC58" (one of CRAIG's screen names), CRAIG discusses sending pictures and raping the girl and her sister, admitting he was aroused by the conversation.

### III. CONCLUSION

18. Based on the above facts and information, I submit there is probable cause to believe that, beginning on a date no earlier than March 1, 2007 and ending on a date no later than August 8, 2007, in the Northern District of California, Timothy CRAIG did knowingly distribute in interstate commerce by a computer a visual depiction involving the use of a minor engaging in sexually explicit conduct, and such visual depiction is of such conduct, in violation of Title 18, U.S.C., Section 2252(a)(2) and did knowingly possess on or about August 8, 2007 a matter containing a visual depiction that had been transported in interstate commerce of a minor engaging in sexually explicit conduct, in violation of Title 18, U.S.C., Section 2252(a)(4)(B).


I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Detective Joseph J. Jones

Napa County Sheriff's Department  
1535 Airport Blvd  
Napa, CA. 94559

Sworn to before me, and subscribed in my presence,  
this 21st day of February, 2008.

  
HON. MARIA-ELENA JAMES  
United States Magistrate Judge